

**Appl. No.** : **10/815,324**  
**Filed** : **March 31, 2004**

### **AMENDMENTS TO THE DRAWINGS**

In the Office Action, the Examiner suggested that Figure 9 be designated by a legend such as Prior Art. Applicant is submitting concurrently herewith a Replacement Figure 9, indicating "Prior Art."

**Appl. No.** : 10/815,324  
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### **REMARKS**

In the office action mailed October 11, 2006, the Examiner objected to the drawings and specification and further rejected claims 1 – 22 as being indefinite under 35 U.S.C. § 112, second paragraph. The Examiner further rejected claims 1-25 under 35 U.S.C. § 102 or 103 in view of the Helms reference (U.S. Patent No. 6,845,876), the Chen reference (U.S. Patent No. 4,968,197), the Schellenbach reference (U.S. Patent No. 5,447,674), the Sarafinas reference (U.S. Patent No. 3,131,824), the Harshal reference (U.S. Patent No. 3,640,422), the Haug reference (DE 42 06 244), the Underwood reference (U.S. Patent No. 4,358,024) or some combination thereof. By this paper, the Applicant is submitting amendments to the drawings, specification and claims to address the informalities noted by the Examiner and to further highlight the subject matter the Applicant believes is allowable over the cited art. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

With this paper, the Applicant is submitting a proposed drawing amendment wherein Figure 9 is identified as “Prior Art” for the Examiner’s approval. The Applicant is further amending the title of the application to read “Resilient and Deformable Container Lid”. The Applicant believes that these amendments address the concerns noted by the Examiner.

In the office action, the Examiner rejected Claims 1 – 22 as indefinite for having insufficient structural relationship between the lid perimeter and the projections and for using indefinite language. By this paper, the Applicant has amended Claim 1 to more positively define the lid as having a body portion with a generally planar surface and a downwardly projecting perimeter portion and has further deleted the indefinite language in other claims noted by the Examiner. As such, the Applicant submits that the claims of the pending application now comply with the requirements of 35 U.S.C. § 112, second paragraph.

In the office action, the Examiner rejected the pending claims in view of the references listed above. After carefully reviewing each of the references, the Applicant notes that none of the references, either by themselves or in combination, disclose or teach the combination of a lid having a body portion with a generally planar surface which includes a resiliently deformable portion which reduces the length of the perimeter of the lid to engage the lid to be disengaged from the container with the perimeter portion comprising a groove for engagement with a

**Appl. No.** : 10/815,324  
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corresponding projection provided around the opening of the container (*See, e.g.*, Claim 1 as amended). As discussed in the application as filed, the present invention is directed towards lids of containers such as lids of paint cans and the like where the lid can be deformed without the use of tools to remove the lid from the container.

However, several of the references cited by the Examiner are stopper-type devices and not lids adapted to mate with containers and the container lids are neither planar nor have the groove discussed above. For example, Helms discloses an expandable seal assembly that has an outer surface that is expanded by air. It is not adapted to be used as a deformable, releasable lid for a container, such as a paint container and, as such, does not disclose nor teach the desirability of having a groove in the perimeter that is adapted to receive a projection from the container. Similarly, Chen discloses a pipe plug that engages with the smooth interior surface of a pipe, as such it does not teach a container lid or the groove recited in Claim 1 as amended. Sarafinas discloses another pipe plug which is not planar, as required by Claim 1 as amended, nor does it have a perimeter that is configured to receive the container projection.

Harschel discloses a closure for cans and the like, but it neither has a generally planar surface, *See, e.g.*, Figures 3 and 5, nor a groove in the perimeter as discussed above. Underwood also discloses a container closure but, again, Underwood does not disclose the groove. In fact, Underwood provides a plurality of projections 26 (Figure 3) that extend outward from the container closure. Further, the deformation disclosed in Underwood is only suited to expanding not retracting the perimeter of the lid so it doesn't facilitate disengagement of the lid as claimed by the Applicant. None of the remaining reference disclosed these features either. Based on the foregoing, the Applicant believes that Claim 1, as amended, is allowable over the art of record.

With respect to Claim 22, the Applicant notes that Schellenbach does not disclose a lid that has a peripheral elastomeric seal nor is the seal formed via a plurality of flow paths through the body. (*See, e.g.*, Claim 22 as filed). In fact Schellenbach does not disclose a peripheral seal and the bi-injection process in Schellenbach contemplates two separate injection points 17 and 14 (Figure 2) with no disclosure of flow paths through one layer to form the other layer. As such, Schellenbach cannot be said to anticipate Claim 22. Similarly, with respect to Haug, there is again no indication that the seal is peripheral, in fact, the seal 12 appears to be on the interior of the cap rather than on the outer periphery of the cap. Further, according to the English language

Appl. No. : 10/815,324  
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abstract, the seal is "detachably fixed in the square opening 16" which suggests that it is not even molded in the manner claimed by the Applicant.

### SUMMARY

Based on the foregoing, the Applicant submits that Claims 1 and 22 are allowable over the art of record. The Applicant further submits that the remaining claims define additional patentable subject matter and are further allowable due to there respective dependencies on Claims 1 and 22. The Applicant therefore believes that the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved through a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

4/11/07

By: \_\_\_\_\_

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